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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------|
| 10/762,240 | 01/23/2004 | Mark T. Kirsch | 215407-106338 | 4511 |
| 44200 7590 03/28/2007 HONIGMAN MILLER SCHWARTZ & COHN LLP 38500 WOODWARD AVENUE SUITE 100 BLOOMFIELD HILLS, MI 48304-5048 | | | EXAMINER PHAM, MINH CHAU THI | |
| | | | ART UNIT 1724 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 03/28/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,240

Applicant(s)

KIRSCH, MARK T.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-29 and 34-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-29, 34, 35, 46-51 and 58-63 is/are allowed.
- 6) ☒ Claim(s) 36-45 and 52-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 36-45 and 52-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Coffey et al (6,830,443 B1).

Coffey et al teach a filter element (10) comprising a filter media (12) including the first material (col. 4, lines 20-26) wherein the filter media (12) includes a clean side (12b), and a seal (14) including a second material (col. 4, lines 27-34) bonded to the clean side (12b) wherein the seal (14) is bonded to a perimeter of the clean side face (12b) to form a flange portion integral with the filter media (12) (see col. 1, lines 50-51, col. 3, lines 23-25). Coffey et al also teach the first material of the filter media including synthetic fabric material such as nylon, polyester, cotton, etc. (see col. 4, lines 20-26), and the second material including urethane, or ethylene-propylenediene modified rubber, or polyurethane, etc. (see col. 4, lines 27-34). Coffey et al further teach the seal (14) having a flexible portion (16) extending from the flange portion (see col. 4, lines 35-41) that is adapted to be compressed by a lid (6) of the filter housing (1), and the flexible portion including a bulb seal defining a void (see 36 in Fig. 6). Coffey et al also teach a method of manufacturing a filter element comprising the steps of injecting a second material directly onto the first material filter media to form a seal.

Allowable Subject Matter

Claims 26-29, 34 and 35 allowed.

The following is a statement of reasons for the indication of allowable subject matter: None of the prior arts discloses the specific structure of a flexible portion extending from the flange portion that is adapted to be compressed by a lid of the filter housing, wherein the flexible portion includes a pair of flexible flange portions that extend obliquely in divergent directions from the flange portion.

Claims 46-51 allowed.

The following is a statement of reasons for the indication of allowable subject matter: None of the prior arts discloses the specific structure of a flexible portion extending from the flange portion that is adapted to be compressed by a lid of a filter housing, wherein the flexible portion includes a U-shape portion having a first leg and a second leg, and wherein the U-shape portion extends toward the lid.

Claims 58-63 allowed.

The following is a statement of reasons for the indication of allowable subject matter: None of the prior arts discloses a specific structure of a thermoplastic vulcanizate seal attached to the corner of the pleated filter media and extending over at least a portion of the end of at least a portion of the side, wherein the seal extends over at least a portion of the first planar face, and a first flange extending from the seal, wherein at least a portion of the first flange extends away from the filter media.

Response to Amendment

Applicant's arguments filed on January 9, 2007 have been fully considered but they are not persuasive.

Applicant argues that the cited reference Coffey et al does not disclose "the rigid frame bonded to a perimeter of the clean side of the filter media wherein the seal is bonded to the perimeter of the rigid frame" and "a method of manufacturing a filter element comprising the steps of injecting a material defining a rigid frame and injecting another material defining a seal including a flange portion". The Examiner respectfully disagrees. Coffey et al clearly teach a filter element (10) comprising a filter media (12) including the first material (col. 4, lines 20-26) wherein the filter media (12) includes a clean side (12b), and a seal (14) including a second material (col. 4, lines 27-34) bonded to the clean side (12b) wherein the seal (14) is bonded to a perimeter of the clean side face (12b) to form a flange portion integral with the filter media (12) (see col. 1, lines 50-51, col. 3, lines 23-25), as claimed. Coffey et al also teach the first material of the filter media including synthetic fabric material such as nylon, polyester, cotton, etc. (see col. 4, lines 20-26), and the second material including urethane, or ethylene-propylenediene modified rubber, or polyurethane, etc. (see col. 4, lines 27-34), as claimed. Coffey et al also teach a method of manufacturing a filter element comprising the steps of injecting a second material directly onto the first material filter media to form a seal, as claimed.

Claims 26-29, 34, 35, 46-51 and 58-63 allowed as indicated via reasons for indication of allowable subject matter above.

Applicant's arguments with respect to claims 36-45 and 52-57 have been thoroughly considered but are moot in view of the rejection, as discussed above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Minh-Chau Pham
Patent Examiner
Art Unit: 1724
March 23, 2007


MATTHEW O. SAVAGE
PRIMARY EXAMINER